IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO. 3078 OF 2006

Dr.Mohanbhai i. Patel & Ors. ...Petitioners.
Vs.
The State of Maharashtra & Ors. ...Respondents.

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Mr. Shekhar Shetye i/b. B.Amin & Co. for the Petitioners.
Mr. Y.S. Jahagirdar, Senior Advocate with Mr. K.J. Hakani for Respondent No.3.
Mr. K.R. Belosey, Acting GP for Respondent Nos.1, 2 and 4.

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CORAM : DR.D.Y.CHANDRACHUD, J.

December 20, 2006.

P.C.

The objection of the Petitioners is to the appointment of the Third Respondent as a member of the Committee. Counsel appearing on behalf of the Third Respondent has stated before the Court that no policy decision would be taken since the election is to be held and concluded within the time schedule as directed under the previous order of this Court. Counsel appearing on behalf of the Petitioners (including Petitioner Nos.7 and 14 who are also members of the Committee) also states that the Committee will not take any policy decision in view of the impending elections. It has also been agreed that in the interests

of justice and fairness, the record of the Managing Committee shall be kept in the safe custody of Petitioner No.7. In this view of the matter, it is not necessary for this Court to exercise the extra ordinary jurisdiction under Article 226 of the Constitution since the aforesaid statement would meet the interests of justice in the interim period. It is, however, clarified that the restraint on the Committee taking any policy decision shall not extend to the prosecution of the proceedings pending before the Co-operative Court in view of the clarificatory order dated 15th December 2006 passed by a Learned Single Judge of this Court, Hon'ble Mr.Justice D.G. Karnik, in Chamber Summons 381 of 2006 in Writ Petition 1446 of 2006.

The Petition is dismissed.

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